

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

December 8, 2006

PSF:06od-155

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Oahu

Consent to Assign General Lease No. S-4894, Julia Minerva Kaawa, Assignor, to BarbaraAnn Kehaunani Kaawa, Jonnett M. K. Kaawa and Minerva Lehua Aana, Assignees, Maunalaha Homesites, Maunalaha, Honolulu, Oahu, Tax Map Key: (1) 2-5-24:10.

APPLICANT:

Julia Minerva Kaawa, Assignor, to BarbaraAnn Kehaunani Kaawa, whose mailing address is 2417 Maunalaha Road, Honolulu, HI 96822, Jonnett M. K. Kaawa, whose mailing address 2417-c Maunalaha Road, Honolulu, HI 96822, and Minerva Lehua Aana, whose mailing address is RR 3 Box 1345 Pahoa, Hawaii 96778, tenants in common, as Assignees.

LEGAL REFERENCE:

Section 171-36(a) (5), Hawaii Revised Statutes, as amended.

LOCATION AND AREA:

Portion of Government lands of Makiki situated at Maunalaha Homesites, Maunalaha, Honolulu, Oahu, identified as Lot 11 and by Tax Map Key: (1) 2-5-24:10, consisting of approximately 0.75 net acres, as shown on the attached map labeled Exhibit A.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State  
Constitution: YES \_\_\_\_\_ NO x

CHARACTER OF USE:

Residential purposes as the Lessee's principle domicile.

TERM OF LEASE:

65 years, commencing on December 1, 1983, and expiring on

November 30, 2048.

ANNUAL RENTAL:

\$120.00 per annum, due semi-annually.

CONSIDERATION:

None.

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

DCCA VERIFICATION: Not required for individuals.

APPLICANT REQUIREMENTS:

Sign statement agreeing to abide by and to be bound by the terms, conditions and covenants of the subject lease agreement (included in their assignment agreement).

REMARKS:

The Maunaloa Valley direct leases came about as a result of Act 225, SLH 1981, which authorizes the Department of Land and Natural Resources to negotiate and enter into long-term residential leases with persons who meet the following criteria, as approved at the Land Board's meeting on August 12, 1983, agenda item F-14:

1. At the time of enactment of the Act, reside on a parcel or parcels of land in tax map keys (1) 2-5-19 and 2-5-20, or have permits allowing them to reside on such land, or are descendants of persons who lawfully resided on such land before 1920;
2. Have built homes on such land for use as their own residence prior to 1940, pursuant to government authority; and
3. Can prove that the various governments of Hawaii have expressed an intent to grant them long-term tenure.

A list of approved tenants was included in said Board submittal; included was Julia Minerva Kaawa.

General Lease No. S-4894 allows assignments with prior Board approval if:

1. The proposed assignee or transferee meets the eligibility criteria set out in Section 2 of Act 225, SLH 1981, or is a descendant or heir, consanguineous or affined, of the assignor or transferor; and
2. The proposed assignee or transferee shall agree in writing, as a condition precedent, to abide by and to be bound by the terms, conditions and covenants of the subject lease agreement.

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The lease was issued in 1983 to Julia Minerva Kaawa. Julia Minerva Kaawa wishes to assign the lease to three of her daughters who meet the eligibility criteria for this lease under Act 225, SLH 1981 and provided the signed and notarized assignment agreement.

The lessee has two (2) dwellings on the lease site without building permits or CDUP.

The lessee is current with her rent until November 30, 2006 and the liability insurance is current until June 05, 2007. There have not been any defaults during the past two years. The Assignees have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

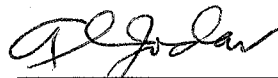
The Office of Conservation and Coastal Lands (OCCL) and the Division of Forestry and Wildlife replied to our request for comments indicating they had comments (see Exhibit B). No other agency comments were received.

RECOMMENDATION:

That the Board consent to the assignment of General Lease No. S-4894 from Julia Minerva Kaawa, as Assignor, to BarbaraAnn Kehaunani Kaawa, Jonnett M. K. Kaawa and Minerva Lehua Aana, as Assignees, subject to the following:

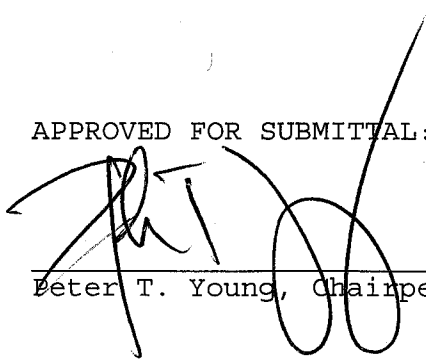
1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Al Jodar  
Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

DWG. NO. 6276

DATE: February 8, 1984

BY: G.S./M.H.

SOURCE: TMS

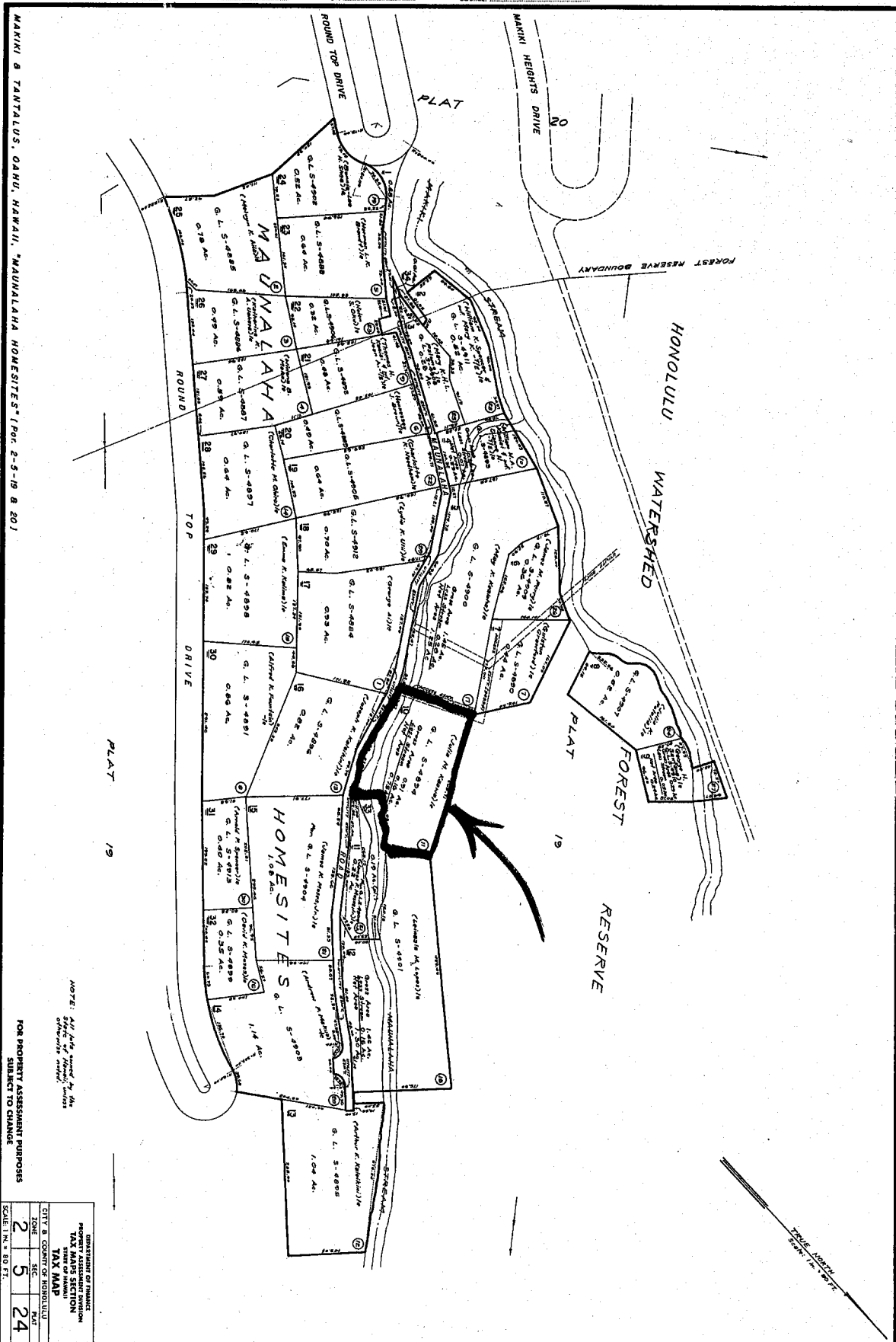
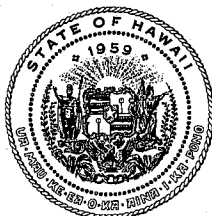
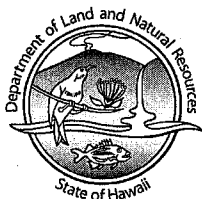


EXHIBIT "A"

LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
OFFICE OF CONSERVATION AND COASTAL LANDS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
DEPUTY DIRECTOR - LAND

DEAN NAKANO  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAOHOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF: OCCL:DH

Correspondence OA-07-17

**MEMORANDUM:**

AUG - 3 2006

TO: Russell Y Tsuji, Administrator  
Land Division

FROM: Samuel J. Lemmo, Administrator  
Office of Conservation and Coastal Lands

SUBJECT: Response for Request for Comment  
Julia Kaawa, Maunaloa, Island of Oahu  
Subject Parcel TMK: (1) 2-5-024:010

The Department of Land and Natural Resources' (DLNR), Office of Conservation and Coastal Lands (OCCL) is responding to your request for comments regarding a Consent of Assignment for Ms. Kaawa, located at Maunaloa, Island of Oahu, Subject Parcel TMK: (1) 2-5-024:010.

City and County of Honolulu (City) records indicate that the 39,640 square foot parcel contains a 2,700 square foot Single Family Residence (SFR) which includes a porch, carport, basement, and four bedrooms, which was constructed in 1972. The OCCL does not have any Conservation District Use Application (CDUA) on file for any land uses, including structures, on the subject parcel.

The OCCL is not able to determine if the lessee is in compliance with Hawaii Revised Statutes (HRS) Chapter 183C, and Hawaii Administrative Rules (HAR) Chapter 13-5, Conservation District Rules and Regulations without further information and investigation.

If you have any questions regarding this matter please contact Dawn Hegger of our Office of Conservation and Coastal Lands staff at 587-0380.

c: Chairperson  
Deputy Director Masuda  
DOFAW Conry

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DEPT OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

**EXHIBIT "B"**

# Division of Forestry & Wildlife

1151 Punchbowl Street, Rm. 325 • Honolulu, HI 96813 • (808) 587-0166 • Fax: (808) 587-0160

August 24, 2006

## MEMORANDUM

TO: Al Jodar, Land Agent  
Land Division

THRU: Russell Y. Tsuji, Administrator  
Land Division

FROM: Paul J. Conry, Administrator  
Division of Forestry and Wildlife

SUBJECT: Request for Comments: Assignment of lease by applicant, Julia Kaawa at Maunalaha, Honolulu, Oahu TMK: 2-5-24:10.

We provide the following comments to this subject request. The applicant will need to comply with the original provisions of the lease i.e. allowed 2 homes on state leased parcel. We recommend that the applicant apply to OCCL for an after-the-fact CDUA based on the lease conditions. DOFAW is working with the Department to put this parcel in its proper land use designation and we will support assignments that will be consistent with the intent and conditions of the current subject lease with the applicant. Finally, the applicant must comply with the City and County of Honolulu requirements for building permits or subdivision requirements under County ordinances. Applicant is required to obtain all pertinent updated documents with the state and city agencies before Land Division approves the lease assignment of this parcel. Please call Patrick Costales, 973-9787 or Earl Pawn, 973-9785 of our Oahu Branch Office if you have questions regarding our comments. Thank you for the opportunity to comment on this request for the assignment of lease by Julia Kaawa..

C: DOFAW Oahu Branch

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Paul J. Conry